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6 **Attorneys for Plaintiff**
7 **Roots Ready Made Garments Co. W.L.L.**

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9 **IN THE UNITED STATES DISTRICT COURT**
FOR THE NORTHERN DISTRICT OF CALIFORNIA

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Case No: C 07 3363 CRB
PLAINTIFF'S OBJECTIONS TO
EVIDENCE SUBMITTED BY
DEFENDANTS IN SUPPORT OF
MOTION FOR SUMMARY JUDGMENT
Date: August 29, 2008
Time: 10 o'clock a.m.
Place: Courtroom 8, 19th Floor
Judge: Charles R. Breyer
Trial Date: October 6, 2008

1 Plaintiff Roots Ready Made Garments Co. W.L.L. ("Roots") hereby objects to
 2 the following evidence presented by Defendants The Gap, Inc., Gap International Sales, Inc.,
 3 Banana Republic, LLC, and Old Navy, LLC in connection with their Motion for Summary
 4 Judgment set for hearing on August 29, 2008 before this Court.
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6 I. OBJECTIONS TO THE DECLARATION OF REBEKAH PUNAK

7 Objectionable Evidence	8 Grounds for Objection
9 Ex. 1: 110:13-16	Hearsay. Fed. R. Evid. 802
10 Ex. 1: 123:5-19	Improper lay opinion. Fed. R. Evid. 701 Questions improperly seek inadmissible testimony from a lay witness concerning legal conclusions.
11 Ex. 1: 135:20-136:2	Improper lay opinion. Fed. R. Evid. 701 Mr. Abu Issa's testimony concerning legal conclusions is inadmissible.
12 Ex. 2: 96:8-15	Improper lay opinion. Fed. R. Evid. 701 Question improperly seeks testimony from lay witness regarding legal conclusions.
13 Ex. 4: 25:3-20	Improper lay opinion. Fed. R. Evid. 701 Question improperly seeks testimony from lay witness regarding legal conclusions.
14 Ex. 4: 33:18-35:1	Improperly lay opinion. Fed. R. Evid. 701 Question improperly seeks testimony from lay witness regarding legal conclusions.
15 Ex. 4: 48:23-49:3	Improper lay opinion. Fed. R. Evid. 701 Question improperly seeks testimony from a lay witness regarding a legal conclusion.
16 Ex. 4: 53:22-54:4	Lack of foundation. Fed. R. Evid. 602 Improper lay opinion. Fed. R. Evid. 701
17 Ex. 4: 59:23-60:4	Best evidence rule. Fed. R. Evid. 1002. Improper lay opinion. Fed. R. Evid. 701.
18 Ex. 4: 60:20-61:10	Best evidence rule. Fed. R. Evid. 1002 Improper lay opinion. Fed. R. Evid. 701.
19 Ex. 4: 100:24-101:12	Best evidence rule. Fed. R. Evid. 1002. Lack of foundation. Fed. R. Evid. 602.
20 Ex. 4: 141:9-15	Improper lay opinion. Fed. R. Evid. 701 Question improperly seeks testimony from a

	lay witness regarding a legal conclusion.
Ex. 4: 154:22-155:17	Improper lay opinion. Fed. R. Evid. 701. Question improperly seeks testimony from a lay witness regarding a legal conclusion.
Ex. 4: 168:24-169:5	Improper lay opinion. Fed. R. Evid. 701. Question improperly seeks testimony from a lay witness regarding a legal conclusion.
Ex. 18: 88:5-89:12	Improper lay opinion. Fed. R. Evid. 701. Question improperly seeks testimony from a lay witness regarding legal conclusions.

II. OBJECTIONS TO DECLARATION OF DAN JACKSON

Ex. A: 84:21-86:2, 94:13-95:5	Improper lay opinion Fed. R. Evid. 701 Question improperly seeks testimony from a lay witness regarding legal conclusions.
Ex. D: 40:22-25	Improper lay opinion. Fed. R. Evid. 701 Question improperly seeks testimony from a lay witness regarding legal conclusions. Gap mischaracterizes Mr. Abu Issa's testimony. At his 6/6/08 deposition, Mr. Abu Issa clarified that the termination of the Gap-Gabana ISP agreement "[did] not affect the Gap-Roots agreement." See Nash Decl. Ex. 4, 17:8-15.

Dated: August 29, 2008

COVINGTON & BURLING LLP

/S/ Richard A. Jones

Richard A. Jones

Attorneys for Plaintiff
Roots Ready Made Garments Co. W.L.L.